

## Article - Transportation

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§23-404.

(a) If a diesel vehicle fails an emissions test established and administered under this subtitle, the driver of the diesel vehicle at the time of testing shall be issued:

(1) If the diesel vehicle is registered under this article, a safety equipment repair order that directs the registered owner of the vehicle to repair the vehicle to comply with emissions standards; or

(2) If the diesel vehicle is a foreign registered vehicle, notice indicating that the vehicle is not in compliance with emissions standards in this State.

(b) (1) A driver of a diesel vehicle who is issued a safety equipment repair order under subsection (a) of this section shall forward the order to the registered owner of the vehicle.

(2) A registered owner of a diesel vehicle who receives a safety equipment repair order under this section shall repair the vehicle to comply with emissions standards established under this subtitle and shall be retested for emissions standards in accordance with regulations adopted under this subtitle.

(3) (i) If a registered owner fails to comply with the requirements of paragraph (2) of this subsection within 30 days of the issuance of the safety equipment repair order, the registration of the diesel vehicle may be suspended by the Administration.

(ii) The registration of a diesel vehicle that is suspended under this paragraph may be reinstated by the Administration if the vehicle is retested for emissions standards in accordance with regulations adopted under this subtitle and complies with emissions standards.

(iii) If the registration of a diesel vehicle is suspended under this paragraph, the owner of the diesel vehicle is subject to a fine not exceeding \$1,000 for a violation of paragraph (2) of this subsection.

(4) (i) The owner of a foreign registered diesel vehicle who receives notice indicating that the diesel vehicle has failed to comply with emissions standards in this State shall repair the vehicle to comply with emissions standards

established under this subtitle and shall provide evidence required under regulations adopted under this subtitle that demonstrates compliance with emissions standards.

(ii) If the owner fails to comply with the requirements of subparagraph (i) of this paragraph within 30 days of the issuance of the notice:

1. The Department of State Police shall provide notice to the Federal Highway Administration of the United States Department of Transportation that the owner has violated State law in violation of 49 C.F.R. § 392.2; and

2. The owner of the diesel vehicle is subject to a fine not exceeding \$1,000.

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